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8 ASETEK DANMARK A/S and
Counterdefendant ASETEK USA, INC.

10 **UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

13 ASETEK DANMARK A/S,
14 Plaintiff and
Counterdefendant,
15 ASETEK USA, INC.,
16 Counterdefendant,
17 v.
18 COOLIT SYSTEMS, INC.,
19 Defendant and
Counterclaimant,

20 COOLIT SYSTEMS USA INC., COOLIT
SYSTEMS ASIA PACIFIC LIMITED,
COOLIT SYSTEMS (SHENZHEN) CO.,
LTD.,

21 Defendants,
22 CORSAIR GAMING, INC. and CORSAIR
MEMORY, INC.,
23 Defendants.

CASE NO. 3:19-cv-00410-EMC

**DECLARATION OF ARPITA
BHATTACHARYYA IN SUPPORT OF
ASETEK DANMARK A/S AND ASETEK
USA, INC.’S RESPONSE TO
DEFENDANTS’ MOTION TO STRIKE
PORTIONS OF THE EXPERT REPORT OF
DR. DAVID B. TUCKERMAN REGARDING
INVALIDITY OF U.S. PATENT NOS.
8,746,330; 9,603,284; AND 10,274,266**

Date: May 5, 2022
Time: 1:30 PM
Location: Courtroom 5, 17th Floor
Judge: Hon. Edward M. Chen

I, Arpita Bhattacharyya, declare as follows:

1. I am an attorney licensed to practice before this Court and all courts of the State of California, and am a Partner with Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, counsel for Plaintiff and Counterdefendant Asetek Danmark A/S (“Asetek”) in the above-entitled action. I submit this declaration in support of Asetek’s Response to Defendants’ Motion to Strike Portions of the Expert Report of Dr. David B. Tuckerman Regarding Invalidity of U.S. Patent Nos. 8,746,330; 9,603,284; And 10,274,266. The matters stated herein are based upon my personal knowledge, and if called as a witness, would testify as to the following statements.

IDENTIFICATION OF EXHIBITS

2. Attached hereto as **Exhibit A** is a true and correct copy of an excerpt of the December 20, 2021 deposition of Dr. David Tuckerman, Asetek's expert.

3. Attached hereto as **Exhibit B** is a true and correct copy of an excerpt of the March 18, 2022 deposition of Dr. David Tuckerman, Asetek's expert.

RELEVANT FACTS CITED IN ASETEK'S MOTION

4. A physical sample of Danger Den-RBX prior art system was disclosed to CoolIT for inspection on June 25, 2021. During CoolIT's counsel and its expert's inspection of the Danger Den-RBX in Asetek's counsel's offices in Palo Alto, Asetek's counsel informed CoolIT's counsel that Asetek intends to use Danger Den-RBX as a background/state-of-the-art reference. CoolIT's counsel did not object or respond.

5. During expert discovery, Asetek's counsel and Dr. Tuckerman realized that measurements of the channel widths of the Antarctica device may vary a few micrometers from channel-to-channel and product-to-product depending on where the measurement is taken (base vs. top of the channel) and the force applied on the calipers during the measurement (because the channels in the Antarctica are made of very soft copper that indents under force from the calipers' measurement tips). Dr. Tuckerman accounted for this in his Invalidity Report. See Dkt. 401-8, ¶57.

6. Earlier in the case, Asetek's counsel had difficulty understanding CoolIT's vague mappings and assertions in CoolIT's infringement contentions, and I asked to meet and confer with CoolIT's counsel in good faith to better understand CoolIT's contentions. Counsel for the parties

1 met and conferred in CoolIT's attorney's offices in Palo Alto, CoolIT's counsel better explained its
 2 positions, and the issues were resolved without any need for motion practice, much less a tactical
 3 motion to strike after close of fact and expert discovery. CoolIT's counsel did not request
 4 clarification regarding any aspect of Asetek's Invalidity Contentions.

5 7. Dr. Tuckerman's invalidity opinions are not using the Danger Den-RBX device as a
 6 secondary reference or a ground reference to fill gaps in Antarctica. He is using Danger Den-RBX as
 7 a background/foundational reference to show that: 1) using "split-flow to improve thermal
 8 efficiency" was well-known prior to CoolIT's alleged invention, and 2) fluid heat exchangers with
 9 separate "housing" and "plate" and a "seal" therebetween were known in the field of computer liquid
 10 cooling by August 2007 (i.e., the date of CoolIT's purported invention). Dr. Tuckerman has not
 11 opined that the Antarctica would have been modified in view of Danger Den-RBX, or that
 12 Antarctica would have been combined with Danger Den-RBX to establish any claim limitations.

13 8. Dr. Tuckerman included color-coded annotations of the Danger Den-RBX design and
 14 workings of the Danger Den-RBX to be thorough in supporting his opinion about the state of the art.

15 9. CoolIT deposed Dr. Tuckerman about the Danger Den-RBX, and CoolIT's expert had
 16 an opportunity to respond.

17 10. Dr. Tuckerman's Invalidity Report does not advance an anticipation position based
 18 on Chang, or a standalone obviousness position based on Chang; it only raises an obviousness
 19 combination based on Antarctica in view of Chang.

20 11. Dr. Tuckerman's statement in his Report that "Chang discloses every limitation of the
 21 asserted claims" was only made by Dr. Tuckerman to support his argument that a skilled artisan
 22 would have been motivated to combine Antarctica and Chang. Dr. Tuckerman will not argue at trial
 23 that Chang alone, without being combined with Antarctica, would invalidate CoolIT's '330 patent
 24 claims.

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1 I declare under penalty of perjury under the laws of the United States for the forgoing is true
2 and correct. Executed this 14th day of April 2022, at Palo Alto, California
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4 By: /s/ Arpita Bhattacharyya
5 Arpita Bhattacharyya
6 *Attorneys for Plaintiff and Counterdefendant*
ASETEK DANMARK A/S and
Counterdefendant ASETEK USA, INC.

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